

1 COOLEY LLP
2 Heidi Keefe (178960)
(hkeefe@cooley.com)
3 Lowell Mead (223989)
(lmead@cooley.com)
4 Dena Chen (286452)
(dchen@cooley.com)
5 Matthew J. Brigham (191428)
(mbrigham@cooley.com)
6 Priya B. Viswanath (238089)
(pviswanath@cooley.com)
7 3175 Hanover Street
Palo Alto, California 94304
8 Telephone: (650) 843-5000
Facsimile: (650) 849-7400

9 COOLEY LLP
10 Phillip Morton (*Pro Hac Vice*)
(pmorton@cooley.com)
11 1299 Pennsylvania Avenue
NW, Suite 700
Washington, DC 20004-2400
12 Telephone: (202) 842-7800
Facsimile: (202) 842-7899

13 *Attorneys for Defendant*
Apple Inc.
14

15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **SAN FRANCISCO DIVISION**

18
19 COREPHOTONICS, LTD.

Case No. 3:17-cv-06457-JD (lead case)
Case No. 5:18-cv-02555-JD

20 Plaintiff,

**DECLARATION OF LOWELL MEAD IN
SUPPORT OF DEFENDANT'S SUPPORT
FOR ADMINISTRATIVE MOTION TO
FILE UNDER SEAL**

21 vs.

22 APPLE INC.

23 Defendant.

24
25
26
27
28 Case No. 3:17-cv-06457-JD (lead case)
Case No. 5:18-cv-02555-JD

**MEAD DECL. ISO ADMIN
MOTION TO FILE UNDER SEAL**

1 I, Lowell Mead, declare:

2 1. I am an attorney with Cooley LLP and counsel in this action for Defendant
 3 Apple Inc. (“Apple”). I submit this declaration in support of Apple’s Support for Administrative
 4 Motion to File Under Seal.

5 2. The information sought to be sealed is narrowly tailored:

Materials Sought to be Sealed	Sealing Request
Opposition (Dkt. 196-3): <ul style="list-style-type: none"> <li data-bbox="334 608 775 639">• page 1, lines 19, 20, 21, 22, 24 <li data-bbox="334 644 775 675">• page 2, lines 2, 5, 15 <li data-bbox="334 680 775 711">• page 6, lines 7, 11, 15 <li data-bbox="334 715 775 747">• page 8, line 17 <li data-bbox="334 751 775 783">• page 10, lines 1, 2, 3, 6 <li data-bbox="334 787 775 861">• page 11, lines 3, 4, 5, 6, 7, 8, 9, 10, 12, fn. 5 (lines 27-28) <li data-bbox="334 865 775 939">• page 12, lines 1, 2, 3, 5, 6, 8, 9, 10, 11, 24 	Narrowly tailored portions of Opposition describing highly confidential and sensitive terms and the confidential signatory of the agreement
Ledahl Decl. (Dkt. 196-4): <ul style="list-style-type: none"> <li data-bbox="334 988 579 1020">• page 2, line 26 	Narrowly tailored portions of Ledahl Decl. describing highly confidential terms and the confidential identity of signatories to the agreement
Ledahl Decl., Exh. 1 (Dkt. 196-5)	Narrowly tailored exhibit describing the confidential identity of signatories to the agreement

17 3. These materials contain information that was produced as and designated as
 18 “Confidential – Attorneys’ Eyes Only” under the Protective Order (Dkt. 77), including based on
 19 third-party confidentiality.

20 4. The highly confidential and sensitive materials Apple seeks the Court’s
 21 permission to file under seal relates to highly confidential information from an agreement
 22 entered into by Apple and a third party that is subject to third-party confidentiality obligations.
 23 I understand that the existence and the terms of the agreement are highly confidential and reflect
 24 sensitive business strategies and discussions.

25 5. Both compelling reasons and good cause exist to permit Apple to file the
 26 narrowly tailored requested information under seal, as public disclosure of this information
 27 would harm Apple and the third-party signatory to the agreement at issue, and such information,
 28 Case No. 3:17-cv-06457-JD (lead case)
 Case No. 5:18-cv-02555-JD

MEAD DECL. ISO ADMIN
 MOTION TO FILE UNDER SEAL

1 if revealed to the public, could be misused by competitors and adversaries to harm the
2 signatories.

3 I declare under penalty of perjury that the foregoing is true and correct. Executed on
4 November 22, 2023 in Palo Alto, CA.
5

6 /s/ Lowell Mead
7 Lowell Mead

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27